

FULL NAME

William Emil Samland III

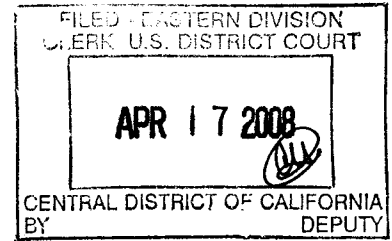
COMMITTED NAME (if different)

FULL ADDRESS INCLUDING NAME OF INSTITUTION

3550 Wilshire Blvd, suite 105-43

Los Angeles, CA 90010

PRISON NUMBER (if applicable)



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

William Emil Samland III

PLAINTIFF,

v.

City of Santa Ana, Santa Ana police officer
Blaine Moeller, Santa Ana police officer
Enrique Ruvalcaba

DEFENDANT(S).

CASE NUMBER Second Amended Complaint
SACV07-441 GPS(OP)

To be supplied by the Clerk

Second Amended CIVIL RIGHTS COMPLAINT
PURSUANT TO (Check one)

☒ 42 U.S.C. § 1983

☐ Bivens v. Six Unknown Agents 403 U.S. 388 (1971)

A. PREVIOUS LAWSUITS

1. Have you brought any other lawsuits in a federal court while a prisoner: ☐ Yes ☒ No

2. If your answer to "1." is yes, how many? _____

Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on an attached piece of paper using the same outline.)

- a. Parties to this previous lawsuit:

Plaintiff _____

Defendants _____

- b. Court _____

- c. Docket or case number _____

- d. Name of judge to whom case was assigned _____

- e. Disposition (For example: Was the case dismissed? If so, what was the basis for dismissal? Was it appealed? Is it still pending?) _____

- f. Issues raised: _____

- g. Approximate date of filing lawsuit: _____

- h. Approximate date of disposition _____

B. EXHAUSTION OF ADMINISTRATIVE REMEDIES

1. Is there a grievance procedure available at the institution where the events relating to your current complaint occurred? ☒ Yes ☐ No
2. Have you filed a grievance concerning the facts relating to your current complaint? ☒ Yes ☐ No

If your answer is no, explain why not _____

3. Is the grievance procedure completed? ☒ Yes ☐ No

If your answer is no, explain why not _____

4. Please attach copies of papers related to the grievance procedure.

C. JURISDICTION

This complaint alleges that the civil rights of plaintiff William Emil Samland III
(print plaintiff's name)

who presently resides at 3550 Wilshire Blvd, suite 105-43, Los Angeles, CA 90010,
(mailing address or place of confinement)

were violated by the actions of the defendant(s) named below, which actions were directed against plaintiff at
City of Santa Ana, California, United States
(institution/city where violation occurred)

D. CLAIMS*

CLAIM I

The following civil right has been violated:

Fourth Amendment protections of the united states constitution,

Freedom from unreasonable searches,

Freedom from unreasonable seizures,

Freedom from excessive force,

California constitution, Article 1, sections 10 and 13,

California Civil code 43,

and California Civil code 52.3.

Supporting Facts: Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be certain you describe, in separately numbered paragraphs, exactly what each DEFENDANT (by name) did to violate your right.

At approximately 9 pm on the evening of April 20, 2006, at the intersection of Ross street, and Santa Ana blvd, in Santa Ana, California, I was accosted by officers Blaine Moeller (badge # 1799) and Enrique Ruvalcaba (badge # 2650) of the Santa Ana police department. Their demeanor toward me was belligerent, gruff, condescending, and snide, and they treated me with forcible hostility. The reason given for the stop was that I was alleged to have been J-walking. They questioned me in a belligerent and badgering manner, asking questions that were of little relevance, such as, "Where do you work?" Due to the belligerence and hostility of the officers, I was hesitant to speak with them, and in large part decided to exercise my right to remain silent. At no time during this encounter did I make any furtive movement, attempt to flee, or make any threatening gesture or comment, or attempt to physically evade them. For the most part, I just stood there while they talked to me. I answered questions relating to administrative information that would be necessary to process a j-walking ticket (like my mailing address). The situation was not rapidly evolving, nor was it one that required split-second decisions by the officers. I was basically just standing there. There was little traffic in the area, and I was obviously alone. The area was not crowded, and there were no pedestrian passers-by in our immediate area. There were no factors indicating any crime on my part, beyond the traffic infraction of j- walking. I did not consent to any search. (continued on attached pages)...

**If there is more than one claim, describe the additional claim(s) on another attached piece of paper using the same outline.*

D. CLAIMS**CLAIM I**

Supporting facts (continued from page 4):

During this incident, I used polite speech, and did not shout.

There was no reason to assume that I was armed and/or dangerous.

1. Officer Ruvalcaba made a remark to the effect of threatening to prolong their detention of my person if I did not answer their questions.

2. Officer Ruvalcaba handcuffed me with my hands behind my back.

3. The handcuffs were tightened, By Ruvalcaba, excessively too tight on my wrists, and cut off circulation to my hands.

4. Ruvalcaba reached into my front pants pockets (while I was handcuffed behind my back) and grabbed my cell phone, house keys, bus pass, and driver license. He handed these items to Moeller, who placed them on a nearby wall.

5. Ruvalcaba and Moeller seized my personal belongings, including a compact disc in a jewel case container, a shirt, a "flip-phone" cellular telephone, ordinary house keys on a key ring, my driver license, my bus pass (a plastic card about the size and shape of a driver license that is not dangerous or sharp, similar in composition to a credit card), and an 8x10 photograph. None of these items would be reasonably construed to be "weapons", that would be likely to be used by me to attack anyone, particularly in light of the fact that I was handcuffed behind my back.

There was no reason to assume that any of these items were evidentiary of any crime, stolen, dangerous or illegal.

6. Ruvalcaba and Moeller locked me in the backseat of their patrol car, still handcuffed.

7. While I was in the backseat of the car, Ruvalcaba was messing with my belongings (outside of the car), and shook out my shirt that they had seized (which had no pockets). He seemed to be "examining" my belongings.

8. Moeller sat in the front seat of the car and harassed me verbally while I sat (still handcuffed) in the backseat.

He called me "hardass" twice, and badgered me, saying, "Why are you being such a hardass about the question?"

It can reasonably be inferred that that he was referring to my exercising my constitutionally protected right to remain silent, and that this pattern of conduct was retaliatory for giving them the "silent treatment".

While he was sitting in the car, Moeller was writing up the traffic ticket to give me.

Afterward, they let me out of their car, and Ruvalcaba took off the handcuffs. They issued me a traffic citation for j- walking (for crossing against a "flashing hand" signal). This is a traffic infraction, not a felony or misdemeanor in California. I promptly signed the ticket for purposes of promising to appear in court. I was then allowed to leave.

At no time during this incident was I read "Miranda" rights, formally arrested, booked into jail, taken before a magistrate, or informed of an intention to arrest me on the part of the officers. I later contested the traffic infraction charge in court, and upon my questioning of officer Moeller in court, he said I was not arrested, but only detained. The only reason Moeller and Ruvalcaba had to detain me was their observance of me crossing the street (allegedly against a flashing hand signal) whilst driving by. There were no other factors present that would be reasonably considered to give

(continued on page 6)

**If there is more than one claim, describe the additional claim(s) on another attached piece of paper using the same outline.*

D. CLAIMS***CLAIM I**

Supporting facts (continued from page 5):

Moeller or Ruvalcaba "probable cause", or articulable suspicion as to any other crime. The circumstances did not require split-second decisions. They had no reason to suspect I had been armed. I was not armed.

After this incident, I filed an official complaint with the Santa Ana police department. The complaint made factual allegations that are substantially the same as the ones enumerated 1-8 on page 5 (previous page of supporting facts).

9. I received a letter from the City of Santa Ana police department, specifically Chief of Police Paul M. Walters, and Tammy Franks, Commander, Professional Standards. The letter bears the official letterhead of the City of Santa Ana. The letter states, in part, "Finally, the allegation that the other employee used excessive force, and conducted an illegal search of your person and belongings, is exonerated." The letter also states that a finding of "exonerated" means that the incident occurred but was "lawful and proper". A finding of "exonerated" also establishes the conduct of the city's police department's employees as being within city policy, and defines it as such, by the city's own standards of review.

I am including copies of the complaint I initially filed with the police department, and the letter I received in response.

10. The conduct of the officers Moeller and Ruvalcaba, as relating to the searches and seizures described in my complaint, was performed in their official capacities as police officers employed by the municipality of the City of Santa Ana, accordant with city policy.

11. The City of Santa Ana failed to act in such a way as to prevent 4th amendment violations such as were perpetrated by officers Moeller and Ruvalcaba.

12. The city's policy position is to allow searches and seizures as described in my complaint, and to allow the level of force used.

**If there is more than one claim, describe the additional claim(s) on another attached piece of paper using the same outline.*

CITIZEN'S COMPLAINT FORM

YOUR NAME William Emil Samland III
 ADDRESS 5175 Estara Ave Apt #4 LA, CA 90065
(please include the zip code)
 HOME PHONE (323) 387-9402 WORK PHONE ()
area code area code
 DATE OF BIRTH 8/24/77

INVOLVED EMPLOYEE(S) NAME Ruvaccaba ID# 2650
 NAME Moeller ID# 1799

DESCRIPTION IF NAME IS UNKNOWN _____

LOCATION OF OCCURRENCE Corner of Ross & Santa Ana Blvd

DATE OF OCCURRENCE April 20, 2006 TIME Approx. 9 PM

DESCRIPTION OF EVENT

At approximately 9 pm on the evening of April 20, 2006, I was accosted by officers Ruvaccaba and Moeller (badge 2650 + 1799). Ruvaccaba handcuffed my wrists excessively tight, cutting off circulation. Ruvaccaba reached into my pockets, removing most of my possessions that I had with me. Moeller harrassed me w/ profanity.

See Attached page.

(ATTACH ADDITIONAL PAGES AS NECESSARY)

YOUR SIGNATURE

W. E. Samland III

DATE

June 12, 2006



OFFICE USE ONLY

PERSON RECEIVING COMPLAINT _____


DATE _____ TIME _____

COPY OF COMPLAINT GIVEN TO COMPLAINANT: YES _____ NO _____

DETACH AND MAIL OR BRING TO POLICE DEPARTMENT

Complaint

At approximately 9 pm on the evening of April 20, 2006, at the intersection of Ross and Santa Ana, I was accosted by officers Ruvaccaba and Moeller (badge numbers 2650 and 1799) of the Santa Ana police department. Ruvaccaba said he wanted to search me for weapons. Ruvaccaba handcuffed my wrists excessively tight, to the point that they were cutting off circulation to my hands. Ruvaccaba then proceeded to empty out most of the contents of my pockets, passing them to his partner, Moeller, who placed them on a nearby wall. When I declined answering their questions, I was told by Ruvaccaba that they would prolong my detainment if I did not answer their questions. I stood (and later sat) silently as they repeatedly asked the same questions repeatedly. Then they decided to put me in the back of their car. While I was seated in the car, Moeller sat up front and harassed me verbally with profanity. He referred to me as, "hardass" two times. As I silently and calmly sat in the back seat, he asked why I was, "being such a hardass about the question" (to quote his words), referring to my remaining silent. Also, while I was seated in the car, Ruvaccaba kept looking through my things, which were arranged on the nearby wall (outside of the car), and shook out my shirt, which was also on the wall.


William Emil Samland III

MAYOR
Miguel A. Pulido
MAYOR PRO TEM
Lisa Bist
COUNCIL MEMBERS
Claudia C. Alvarez
Carlos Bustamante
Alberta D. Christy
Mike Garcia
Jose Solorio



CITY OF SANTA ANA
POLICE DEPARTMENT
60 CIVIC CENTER PLAZA • P.O. BOX 1981
SANTA ANA, CALIFORNIA 92702

CITY MANAGER
David N. Ream
CITY ATTORNEY
Joseph W. Fletcher
CLERK OF THE COUNCIL
Patricia E. Healy

August 22, 2006

William E. Samland III
3175 Estara Avenue
Apartment #4
Los Angeles, CA 90065

Subject: Your Complaint Received on June 29, 2006

Dear Mr. Samland:

Your complaint regarding the actions of two of our police department employees has been investigated. The Santa Ana Police Department has four findings at the conclusion of an internal investigation: Exonerated, Sustained, Not Sustained, and Unfounded. In this investigation, there were two findings: **UNFOUNDED**, which means the allegation was false or not factual. **EXONERATED**, which means the incident occurred but was lawful and proper.

The allegation that one employee used inappropriate language and was unprofessional during the contact with you, is unfounded. Finally, the allegation that the other employee used excessive force and conducted an illegal search of your person and belongings, is exonerated.

The Santa Ana Police Department is committed to providing quality service to the community. You can be assured that your complaint was treated seriously and a thorough investigation was conducted.

Should you have any questions or comments about the investigation, you may contact Commander J. Owens at (714) 245-8569.

Sincerely,

PAUL M. WALTERS
Chief of Police

A handwritten signature in black ink, appearing to read 'T. Franks', is written over the typed name of Tammy Franks.

TAMMY FRANKS, Commander
Professional Standards

I (a) PLAINTIFFS (Check box if you are representing yourself <input checked="" type="checkbox"/> William Emil Samland III (b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases): (c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) William Emil Samland III 3550 Wilshire blvd, suit 105-43 Los Angeles, CA, 90010		DEFENDANTS City of Santa Ana, Santa Ana police officer Blaine Moeller, Santa Ana police officer Enrique Ruvalcaba County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only): <u>Orange County, CA</u> Attorneys (If Known) Joseph W. Fletcher, Laura Rossini																									
II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table border="1" style="width:100%"><thead><tr><th></th><th>PTF</th><th>DEF</th><th></th><th>PTF</th><th>DEF</th></tr></thead><tbody><tr><td>Citizen of This State</td><td><input checked="" type="checkbox"/> 1</td><td><input checked="" type="checkbox"/> 1</td><td>Incorporated or Principal Place of Business in this State</td><td><input checked="" type="checkbox"/> 4</td><td><input checked="" type="checkbox"/> 4</td></tr><tr><td>Citizen of Another State</td><td><input type="checkbox"/> 2</td><td><input type="checkbox"/> 2</td><td>Incorporated and Principal Place of Business in Another State</td><td><input type="checkbox"/> 5</td><td><input type="checkbox"/> 5</td></tr><tr><td>Citizen or Subject of a Foreign Country</td><td><input type="checkbox"/> 3</td><td><input type="checkbox"/> 3</td><td>Foreign Nation</td><td><input type="checkbox"/> 6</td><td><input type="checkbox"/> 6</td></tr></tbody></table>			PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input checked="" type="checkbox"/> 4	<input checked="" type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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V. REQUESTED IN COMPLAINT: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Check 'Yes' only if demanded in complaint.) CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No MONEY DEMANDED IN COMPLAINT: \$ 100,000																											
VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 4th amendment of US constitution, USC 1983																											
VII. 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<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities /Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609																						
VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes, list case number(s): SACV07-441 GPS(OP) This is the second amended complaint.																											
FOR OFFICE USE ONLY: Case Number: _____																											

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? ☐ No ☒ Yes

If yes, list case number(s): SACV07-441 GPS(OP) This is the second amended complaint.

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☒ A. Arise from the same or closely related transactions, happenings, or events; or
☒ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: List the California County, or State if other than California, in which EACH named plaintiff resides (Use an additional sheet if necessary)

- ☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.
William Samland, Los Angeles County, California

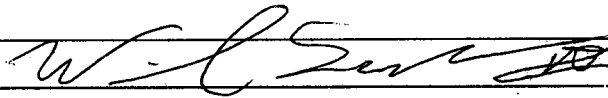
List the California County, or State if other than California, in which EACH named defendant resides. (Use an additional sheet if necessary).

- ☐ Check here if the U.S. government, its agencies or employees is a named defendant.
City of Santa Ana: Orange County, CA
Santa Ana police officer Blaine Moeller: Orange County, CA
Santa Ana police officer Enrique Ruvalcaba: Orange County, CA

List the California County, or State if other than California, in which EACH claim arose. (Use an additional sheet if necessary)

- Note: In land condemnation cases, use the location of the tract of land involved.
Claim I: Orange County, California

X. SIGNATURE OF ATTORNEY (OR PRO PER):



Date: 4/16/08

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

William Emil Samland III

PLAINTIFF(S)

v.

City of Santa Ana, Santa Ana police officer Blaine
Moeller, Santa Ana police officer Enrique Ruvalcaba

DEFENDANT(S).

CASE NUMBER

Second Amended Complaint
SACV07-441 GPS(OP)

SUMMONS

TO: DEFENDANT(S): City of Santa Ana

A lawsuit has been filed against you.

Within _____ days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☐ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, William Emil Samland III, pro se, whose address is 3550 Wilshire Blvd suite 105-43, Los Angeles, CA 90010. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: _____

By: _____

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

William Emil Samland III

PLAINTIFF(S)

v.

City of Santa Ana, Santa Ana police officer Blaine
Moeller, Santa Ana police officer Enrique Ruvalcaba

DEFENDANT(S).

CASE NUMBER

Second Amended Complaint
SACV07-441 GPS(OP)**SUMMONS**TO: DEFENDANT(S): Santa Ana police officer Blaine Moeller

A lawsuit has been filed against you.

Within _____ days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☐ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, William Emil Samland III, pro se, whose address is 3550 Wilshire Blvd suite 105-43, Los Angeles, CA 90010. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: _____

By: _____

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEETI (a) PLAINTIFFS (Check box if you are representing yourself ☒)

William Emil Samland III

(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases):

(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

3350
3350
3550
William Emil Samland III
3350 Wilshire Blvd, suit 105-43
Los Angeles, CA, 90010

DEFENDANTS

City of Santa Ana, Santa Ana police officer Blaine Moeller, Santa Ana police officer Enrique Ruvalcaba

County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):

Orange County, CA

Attorneys (If Known)

Joseph W. Fletcher, Laura Rossini

II. BASIS OF JURISDICTION (Place an X in one box only.)

☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)

Citizen of This State	PTF <input checked="" type="checkbox"/> 1 DEF <input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input checked="" type="checkbox"/> 4 DEF <input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. ORIGIN (Place an X in one box only.)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check 'Yes' only if demanded in complaint.)CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No☐ MONEY DEMANDED IN COMPLAINT: \$ 100,000VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
4th amendment of US constitution, USC 1983

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 850 Securities/Commodities /Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 891 Agricultural Act	<input type="checkbox"/> 210 Land Condemnation		<input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 220 Foreclosure				<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 230 Rent Lease & Ejectment				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 240 Torts to Land				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 245 Tort Product Liability				
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 290 All Other Real Property				
<input type="checkbox"/> 950 Constitutionality of State Statutes					

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ☐ No ☒ Yes

If yes, list case number(s): SACV07-441 GPS(OP) This is the second amended complaint.

FOR OFFICE USE ONLY: Case Number: _____

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? ☐ No ☒ YesIf yes, list case number(s): SACV07-441 GPS(OP) This is the second amended complaint.

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☒ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: List the California County, or State if other than California, in which EACH named plaintiff resides (Use an additional sheet if necessary)

☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.

William Samland, Los Angeles County, California

List the California County, or State if other than California, in which EACH named defendant resides. (Use an additional sheet if necessary).

☐ Check here if the U.S. government, its agencies or employees is a named defendant.

City of Santa Ana: Orange County, CA

Santa Ana police officer Blaine Moeller: Orange County, CA

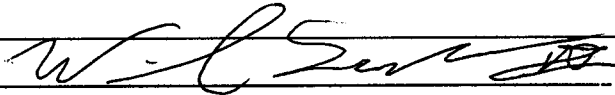
Santa Ana police officer Enrique Ruvalcaba: Orange County, CA

List the California County, or State if other than California, in which EACH claim arose. (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.

Claim I: Orange County, California

X. SIGNATURE OF ATTORNEY (OR PRO PER):



Date

4/16/08

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863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

William Emil Samland III <div style="text-align: right; padding-right: 20px;">PLAINTIFF(S)</div> <p style="text-align: center;">v.</p> City of Santa Ana, Santa Ana police officer Blaine Moeller, Santa Ana police officer Enrique Ruvalcaba <div style="text-align: right; padding-right: 20px;">DEFENDANT(S).</div>	CASE NUMBER <p style="text-align: center;">Second Amended Complaint SACV07-441 GPS(OP)</p> <hr/> <p style="text-align: center; padding-top: 20px;">SUMMONS</p>
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TO: DEFENDANT(S): Santa Ana police officer Enrique Ruvalcaba

A lawsuit has been filed against you.

Within _____ days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☐ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, William Emil Samland III, pro se, whose address is 3550 Wilshire Blvd suite 105-43, Los Angeles, CA 90010. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: _____

By: _____
Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

From:
William Emil Samland III
3550 Wilshire Blvd
Suite 105-43
Los Angeles, CA 90010

Filing:
Case # SACV07-441 GPS(OP)
Second amended complaint

To:
United States District
Court, Central District
California, Eastern Division
3470 Twelfth Street
Room 134

